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AUG 16 2004

In re Application of	:	OFFICE OF PETITIONS
James Michael O'Dwyer	:	
Application No. 10/671,582	:	DECISION GRANTING PETITION
Filed: September 29, 2003	:	
Attorney Docket No.:8676.0005.01	:	
Title of Invention: Set Defence	:	
Means	:	

This is a decision on the petition filed April 12, 2004, requesting in effect, that a Notice Of Omitted Item(s) in a Nonprovisional Application("Notice") mailed March 19, 2004, be withdrawn.

The application was filed on September 29, 2003. However, on March 19, 2004, the Office of Initial Patent Examination (OIPE) mailed a Notice stating that the application had been accorded a filing date of September 29, 2003 but figures 6,10,and 11 described in the specification appeared to have been omitted.

In response, the present petition was filed wherein Petitioner contends twenty one sheets of drawings which included figures 6, 10 and 11 as described in the specification were filed on September 29, 2003. In support, the petition is accompanied by a copy of applicant's return postcard which lists " copy of international application 12 sheets of drawings and " Copy of amended sheets to International Preliminary Examination Report 9 sheets of drawings". The petition is further accompanied by a copy of figures 6,10, and 11.

Applicant's postcard receipt is prima facie evidence that twenty one sheets of drawings, including figures 6,10, and 11 were received on September 29, 2003. A review of the application file shows that figures 6, 10, and 11 are present. Therefore, it is

concluded that 21 sheets of drawings including figures 1-12 as described in the specification were received on September 29, 2003.


The petition is Granted.

The petition fee however, will not be returned because this petition was not necessitated by an error on the part of the Office. Instead a petition was required because petitioner submitted multiple specifications and duplicate sets of drawings. Thus the Office was correct in stating figures 6,10, and 11 appeared to have been omitted.

Twenty one sheets of drawings including figures 1-12 supplied on September 29, 2003, will be used for processing and examination purposes.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of September 29, 2003 using the 21 sheets of drawings which includes figures 6,10, and 12 supplied on September 29, 2003. The Office of Initial Patent Examination is also directed to send a Notice to File Corrected Application Papers requiring a complete set of drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121(d).

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.



Charlema R. Grant

Petitions Attorney

Office of Petitions